

**Amendments to the Claims**

Please cancel claims 1-13 without prejudice.

The following listing of claims will replace all prior versions and/or listings of claims in the application.

**Listing of Claims:**

1-13. (cancelled)

14. (new): An intervertebral implant for a human spine, comprising:  
an upper body comprising an inferior surface and a superior surface, wherein the superior surface of the upper body is configured to engage a first vertebra of the human spine;  
a lower body comprising a superior surface and an inferior surface, wherein the inferior surface of the lower body is configured to engage a second vertebra of the human spine;  
an insert comprising a superior surface and an inferior surface, wherein the insert is configured to be positioned between the superior surface of the lower body and the inferior surface of the upper body before insertion of the intervertebral implant between the first vertebra and the second vertebra of the human spine;  
an expansion member configured to engage the insert;  
a set screw configured to be rotated to advance the expansion member to engage the insert such that the insert increases a separation distance between the upper body and the lower body after insertion of the intervertebral implant in the human spine; and  
wherein the intervertebral implant is configured such that increasing the separation distance between the upper body and the lower body allows articulation or increased articulation of the intervertebral implant.

15. (new): The intervertebral implant of claim 14, wherein the insert is configured to interact with at least a portion of the upper body or at least a portion of the lower body to increase the separation distance between the upper body and the lower body.

16. The intervertebral implant of claim 14, wherein at least a portion of the superior surface of the insert is convex, wherein at least a portion of the inferior surface of the upper body is concave, and wherein the concave portion of the inferior surface of the upper body is configured to be coupled to the convex portion of the superior surface of the upper body to allow articulation of the upper body with respect to the lower body during use.

17. (new): The intervertebral implant of claim 14, wherein the insert comprises an angled portion, wherein the expansion member comprises an angled portion, and wherein the angled portion of the expansion member is configured to engage the angled portion of the insert to elevate the insert.

18. (new): The intervertebral implant of claim 14, wherein the expansion member comprises a superior surface and an inferior surface, and wherein the superior surface and the inferior surface of the expansion member are substantially flat.

19. (new): The intervertebral implant of claim 14, wherein advancing the expansion member comprises advancing the expansion member between the superior surface of the lower body and the inferior surface of the insert.

20. (new): An intervertebral implant for a human spine, comprising:  
an upper body comprising an inferior surface and a superior surface, wherein the superior surface of the upper body is configured to engage a first vertebra of the human spine;  
a lower body comprising a superior surface and an inferior surface, wherein the inferior surface of the lower body is configured to engage a second vertebra of the human spine;  
an insert comprising a superior surface and an inferior surface, wherein the insert is configured to be positioned between the superior surface of the lower body and the inferior surface of the upper body such that the upper body contacts the lower body before insertion of the intervertebral implant between the first vertebra and the second vertebra of the human spine;  
an expansion member configured to engage the insert;  
a set screw configured to be rotated to advance the expansion member to engage the insert such that the insert increases a separation distance between the upper body and the lower

body after insertion of the intervertebral implant in the human spine, wherein the set screw is configured to inhibit backout of the expansion member and maintain at least a portion of the increased separation distance between the upper body and the lower body during use; and

wherein the intervertebral implant is configured such that increasing the separation distance between the upper body and the lower body allows articulation or increased articulation of the intervertebral implant.

21. (new): The intervertebral implant of claim 20, wherein the insert is configured to interact with at least a portion of the upper body or at least a portion of the lower body to increase the separation distance between the upper body and the lower body.

22. (new): The intervertebral implant of claim 20, wherein at least a portion of the superior surface of the insert is convex, wherein at least a portion of the inferior surface of the upper body is concave, and wherein the concave portion of the inferior surface of the upper body is configured to be coupled to the convex portion of the superior surface of the upper body to allow articulation of the upper body with respect to the lower body during use.

23. (new): The intervertebral implant of claim 20, wherein the inferior surface of the insert is substantially flat, wherein the superior surface of the lower body comprises a recess, and wherein the inferior surface of the insert is configured to be positioned in the recess of the lower body.

24. (new): The intervertebral implant of claim 20, wherein the insert comprises an angled portion, wherein the expansion member comprises an angled portion, and wherein the angled portion of the expansion member is configured to engage the angled portion of the insert to elevate the insert.

25. (new): The intervertebral implant of claim 20, wherein the expansion member comprises a superior surface and an inferior surface, and wherein the superior surface and the inferior surface of the expansion member are substantially flat.

26. (new): The intervertebral implant of claim 20, wherein advancing the expansion member comprises advancing the expansion member between the superior surface of the lower body and the inferior surface of the insert.

27. (new): An intervertebral implant for a human spine, comprising:  
an upper body comprising an inferior surface and a superior surface, wherein the superior surface of the upper body is configured to engage a first vertebra of the human spine, and wherein at least a portion of the inferior surface is concave;  
a lower body comprising a superior surface and an inferior surface, wherein the inferior surface of the lower body is configured to engage a second vertebra of the human spine, and wherein the superior surface of the lower body comprises a recess;  
an insert comprising a superior surface and an inferior surface, wherein at least a portion of the superior surface of the insert is convex, wherein the inferior surface of the insert is substantially flat, and wherein the insert is configured to be positioned such that the inferior surface of the insert is positioned in the recess in the superior surface of the lower body and the convex portion of the superior surface of the insert is coupled to the concave portion of the inferior surface of the upper body before insertion of the intervertebral implant between the first vertebra and the second vertebra of the human spine;  
an expansion member configured to engage the insert; and  
a set screw positioned in an opening in a short end or a long side of the lower body, wherein the set screw is configured to be rotated to advance the expansion member to engage the insert such that the insert increases a separation distance between the upper body and the lower body after insertion of the intervertebral implant in the human spine.

28. (new): The intervertebral implant of claim 27, wherein the insert is configured to interact with at least a portion of the upper body or at least a portion of the lower body to increase the separation distance between the upper body and the lower body.

29. (new): The intervertebral implant of claim 27, wherein the concave portion of the upper body and the convex portion of the insert are coupled to allow articulation of the upper body with respect to the lower body during use.

30. (new): The intervertebral implant of claim 27, wherein the insert comprises an angled portion, wherein the expansion member comprises an angled portion, and wherein the angled portion of the expansion member is configured to engage the angled portion of the insert to elevate the insert.
31. (new): The intervertebral implant of claim 27, wherein the expansion member comprises a superior surface and an inferior surface, and wherein the superior surface and the inferior surface of the expansion member are substantially flat.
32. (new): The intervertebral implant of claim 27, wherein advancing the expansion member comprises advancing the expansion member between the superior surface of the lower body and the inferior surface of the insert.
33. (new): The intervertebral implant of claim 27, wherein increasing the separation distance between the upper body and the lower body allows articulation or increased articulation of the intervertebral implant.